

STATE OF MICHIGAN
BAY COUNTY COURTS

Local Administrative Order
2020-01

IN RE: PUBLIC HEALTH EMERGENCY RELATED TO COVID-19 PANDEMIC

This Local Administrative Order (LAO) is issued in accordance with MCR 8.110(C) and upon approval by the State Court Administrative Office. The purpose of this LAO is to temporarily modify the business operations of the Bay County Courts in recognition of the state of emergency declared by the Governor of the State of Michigan and the President of the United States as it relates to the COVID-19 pandemic (coronavirus disease 2019).

This LAO will remain in effect until rescinded by the Chief Judge.

IT IS ORDERED:

1. To combat the spread of disease, given the severity of the risk posted to the public, court staff and other court agencies, and considering the public health recommendation of the Centers for Disease Control and Prevention (CDC), the business operations are hereby modified to include the following essential services:
 - Personnel including staff, prosecutors, and attorneys must be in good health with no illness, and no signs of illness including fever, coughing or sneezing to remain at work.
 - In-custody arraignments (attorneys only; no other spectators in the court room);
 - Probable cause conferences and preliminary examination that are not waived;
 - The initiation of personal protection orders;
 - Hearing on a violation of a personal protection order;
 - Emergency motions on any matter including show cause and injunctive order requests as determined by the Judge;
 - Limited jury trials (only if necessary)
 - No writs for settlement conferences or preliminary examinations.
 - Hearings involving in-custody juveniles.

2. With regard to criminal and juvenile delinquency matters, due to Bay County Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the recommendation from public health organization on the availability of counsel and court staff to be present in the courtroom, the time period of the postponements implemented by this LAO will be excluded from speedy trial requirements, as Bay County Court specifically find that the ends of justice served by ordering the postponements outweigh

the best interest of the public and any defendant's/respondent's right to a speedy trial pursuant to MCR 6.004(C)(6) and MCR 3.942(A).

3. With regards to Probate Court,

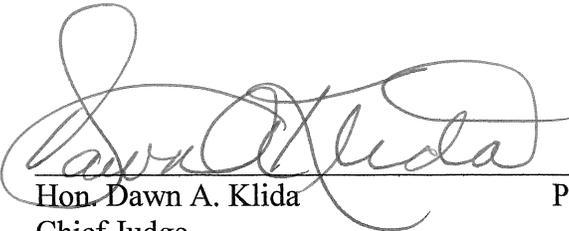
- All non-emergency guardianship, conservatorship and protective orders are hereby adjourned and will not be held until a future scheduled date. Temporary guardianship in emergency situations involving minors and alleged incapacitated individuals might proceed upon notice to the Court. Please consult MCR 5.403;
- All trust and estate matters are hereby adjourned and will not be held until a future scheduled date;
- Hearings involving the mentally ill that are located in our local hospital may proceed via PolyCom/Zoom/telephone. No witnesses or family members will be allowed in court. Restrictions on visitors or others attending the hearing by the medical facilities will be strictly followed. MI hearings may also be adjourned to a future date for good cause due to the emergency situation and Order of the Supreme Court. Any MI orders that are deemed to expire will be extended until the next court hearing that can be scheduled safely;
- The Court will continue with requests for pick-up orders per the after-hours protocol;
- Guardian ad litem may do any and all required visits by telephone;
- Guardians who must see wards quarterly at a nursing home, adult foster care home/group home, rehabilitation center or hospital will be excused until this order is rescinded;
- Attorneys ordered to see and prepare reviews to the Court must do these by telephone;
- Whenever possible, hearings will be conducted using Zoom technology, PolyCom or telephone so that parties and counsel can appear without physically entering the court facility;
- There will be no visitors or public allowed to attend any hearings in the Bay County Probate Court.

4. With regard to Juvenile Proceedings,

- The Court shall hear preliminary hearings, scheduled trials and dispositional hearings for in-custody juveniles only. Hearings shall be scheduled at a time convenient with the Court and the Juvenile Facility;
- All Consent hearings are hereby adjourned and will not be held until a future scheduled date;
- The Court shall hear emergency proceedings for abuse and neglect cases;
- All remaining Abuse and Neglect trials, pre-trials and review hearings are adjourned until a future scheduled date;

- MCI hearings will remain as scheduled with the adoption and foster care workers appearing via telephone, PolyCom and or Zoom;
 - Lawyer-Guardian ad litem may do any and all required visits by telephone/Zoom/PolyCom;
 - Whenever possible, hearings will be conducted using Zoom technology, PolyCom or telephone so that parties and counsel can appear without physically entering the court facility;
 - There will be no visitors or public allowed to attend any hearings in the 18th Judicial Circuit Court Family Division.
5. With regard to Friend of the Court matters,
- Any scheduled matter may be adjourned (postponed) upon request;
 - Parties will be contacted by phone for all non-custody Friend of the Court Show Cause hearings currently scheduled. No further show cause hearings will be scheduled until a future date;
 - Walk-ins are currently suspended;
 - Clients are strongly encouraged to make payments online at midsu.com, by mail or at govpaynow.com. Bond payments for individuals in custody can be made at the Bay County Law Enforcement Center;
 - Referee hearing will remain as scheduled; however, parties may choose to appear by phone or my request an adjournment;
 - Child support matters that are scheduled with a Support Analyst; or GOALS related matter will be addressed by phone;
 - Custody and parenting time related appointments scheduled with the Friend of the Court Custody/Parenting Time evaluator will be rescheduled for a later date.
6. Only essential clerking operations will be processed during the time period covered by this LAO. Please refrain from contacting the court regarding ordinary business issues until further notice.
7. Whenever possible, hearings will be conducted using available technology, e.g., PolyCom, Zoom, FaceTime, Skype, etc., so that parties and counsel can appear without physically entering the court facility. In the interest of public health, only the following individuals shall be permitted to enter the Bay County Courts facility (if necessary) during the time period covered by this LAO:
- Parties and essential case participants to hearings referenced above;
 - Parents of in-custody juveniles for the hearings reference above;
 - Parties' counsel for the hearings reference above;
 - Judges, referees, judicial staff, Sheriff deputies, deputy administrators and administrator of Bay County Courts;
 - Essential Court and County staff;
 - Essential law enforcement,

8. Notice of court closure and how emergency matters and filings shall be accomplished during this modification, shall be given to the public, the court's funding unit and other affected agencies and officials. Notice shall include this LAO being posted to the front door of the court facility. Notice will be posted on appropriate county/court website(s).
9. Nothing in this LAO precludes Bay County Courts from making case-by-case exceptions in the interest of justice and at the discretion of the court after consultation with counsel and/or self-represented litigants.
10. This LAO does not affect Bay County Courts consideration of civil, family, probate or criminal motions that can be resolved without oral argument or handled by telephone or video conference.
11. Public access hours may be modified as necessary for the court to safely maintain business operations during this emergency.



Hon. Dawn A. Klida P49753
Chief Judge

Effective Date: March 17, 2020